

**REMARKS**

Claims 2-18 are pending in this application. Claims 2-18 stand rejected. In light of the remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 2, 3, 7, 8, 11, 12, and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,845,255 ("Mayaud") in view of U.S. Patent No. 4,882,474 ("Anderl"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of independent claim 2 not present in the cited reference is the hospital receives the notification of the user ID and the second password from the user. The Office Action cites to Mayaud at col. 10, Ins. 41 and 44; col. 17, ln. 20-col. 18, ln. 23; and, col. 49, ln. 41. However, Applicant respectfully submits that none of these cited portions actually disclose the hospital receiving a notification of the user ID and the second password from the user.

Mayaud at col. 10, Ins. 40-44, refers to the fact that the system is device independent such that with the appropriate passwords, a user can log onto the system. Likewise, Mayaud at cols. 17 and 18 refers to patient data security. Here, patient record security and patient controlling of their own data is discussed. However, at no time does the patient provide a password to the hospital in the cited portion. Finally, Mayaud at col. 49 refers to user IDs listed by a prioritized listing in one or more devices where the user may be accessed. However, this is unlike the explicitly recited limitation of the hospital receiving notification of the ID and second password from the user.

Applicant notes claim 2 recites that the user is a patient who acquires as user ID, a user password and a second password. The second password, as discussed above, is acquired by a patient, not a hospital. The second password is given to a

hospital by the patient. the second password is required for users other than the patient to acquire medical information regarding the patient.

The system in Mayaud discloses that individuals and organizations can be given patient-defined selective access to patient generated records. Mayaud fails to disclose a specific patient generated records access password. Thus, claim 2 is allowable over Mayaud for at least these reasons. Further, Applicant notes that Mayaud fails to disclose using all four keys at the same time to access data as noted in the present Office Action. Applicant notes that there is no reason for one skilled in the art to modify Mayaud to arrive at the present claims. Thus, claim 2 and its dependent claims are allowable over Mayaud in view of Anderl.

Claim 17 like claim 2 recites that the user is a patient and that the second password is provided to a user terminal. Applicant notes that claim 17 is allowable for at least the reasons discussed above with respect to claim 2.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: March 25, 2008

Respectfully submitted,

/Ian R. Blum/

By \_\_\_\_\_

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO LLP

1177 Avenue of the Americas

New York, New York 10036-2714

(212) 277-6500

Attorney for Applicant

IRB/mgs